

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STEVEN L. MALDONADO,

Plaintiff,

vs.

No. CV 21-00491 WJ/KRS

MARK STANDRIDGE, et al.,

Defendants.

ORDER ON PENDING MOTIONS

THIS MATTER is before the Court on the Motion to Amend (Doc. 11) and Motion to Add Evidences (Doc. 13) filed by Plaintiff Steven L. Maldonado. The Court will grant the Motion to Amend and will deny the Motion to Add Evidences as premature.

Plaintiff's Motion to Amend (Doc. 11) is a handwritten request asking to name additional defendants. (Doc. 11 at 1). Rule 15(a)(1) permits a plaintiff to amend his complaint once as a matter of right before service of a responsive pleading. Rule 15 further states that courts should "freely give leave [to amend] when justice so requires." Fed. R. Civ. P. 15(a)(2). In this case, the Court has not ordered a responsive pleading and, therefore, no responsive pleading has been served and Plaintiff may amend his Complaint as a matter of right. The Court will grant the Motion to Amend (Doc. 11).

Also pending before the Court is Plaintiff's Motion to Add Evidences (Doc. 13). Because Plaintiff is a prisoner proceeding pro se, the Court is obligated to conduct a preliminary screening of the Complaint. *See* 28 U.S.C. § 1915A. Whenever a prisoner brings a civil action against government officials, the Court is obligated to screen the prisoner's complaint or petition. 28 U.S.C. § 1915A. Section 1915A states:

The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

...

On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint—
(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or
(2) seeks monetary relief from a defendant who is immune from such relief.”

28 U.S.C. § 1915A(a) and (b). Requests for service of process, discovery, and submissions of proof and evidence are premature and unavailable prior to the Court’s completion of its screening obligation. *See Jones v. Bock*, 549 U.S. 199, 213-214 (2007). Therefore, the Court will deny Plaintiff’s Motion to Add Evidences (Doc. 13) as premature.

IT IS ORDERED:

- (1) Plaintiff’s Motion to Amend (Doc. 11) is GRANTED; and
- (2) Plaintiff’s Motion to Add Evidences (Doc. 13) is DENIED as premature.



UNITED STATES MAGISTRATE JUDGE